

Hearing Date and Time: 09/27/2023 at 10:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

Chapter 11

BLITMAN SARATOGA LLC,

Case No.: 20-23177-SHL

Debtor.

OBJECTION TO DEBTOR'S SECOND REVISED PLAN OF REORGANIZATION

TO THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE:

O'Connell & Aronowitz P.C., Kevin Laurilliard, Esq. of counsel, on behalf of their clients, Michael Akker and Lisa Akker (the "Akkers"), hereby object to the Debtor's Second Revised Plan of Reorganization dated August 16, 2023 (hereinafter "Plan"), as follows:

1. Pursuant to a written contract, Debtor agreed to construct a residential home at 11 Jane Street for the Akkers and Akkers paid to Debtor a total down payment of \$62,500.
2. The residential home was not timely constructed and the Akkers and Debtor entered into a settlement agreement that was submitted to this court for approval. See Doc 66. This court approved the settlement agreement in its Order dated October 19, 2021. See Doc 81. The settlement agreement and Order recognized that the Akkers have a super-priority administrative expense claim and contract Vendee's lien for an amount of Thirty Thousand Dollars (\$30,000).
3. The Plan does not mention or address the Akkers' super-priority administrative expense claim and/or contract Vendee's lien for an amount of Thirty Thousand Dollars (\$30,000). Nonetheless, Debtor's attorney has recently stated verbally that the Akkers, based upon their super-priority administrative expense claim and contract Vendee's lien, will get paid from the proceeds upon the sale of 11 Jane Street or one of the other unsold lots [6 Katie Lane, 8 Katie Lane, 9 Jane Street].
4. Accordingly, the Debtor's Plan should be amended or the order confirming the Plan should specifically reference the treatment and payment of the Akkers' super-priority administrative expense claim and contract Vendee's claim.

WHEREFORE, it is respectfully submitted that this Court should not confirm the Plan unless it is amended or the order confirming it provide for payment to the Akkers, on their super-priority administrative expense claim and contract Vendee's lien, from the proceeds upon the sale of 11 Jane Street or one of the other unsold lots [6 Katie Lane, 8 Katie Lane, 9 Jane Street], along with such other and further relief as this Court deems just and proper.

DATED: September 15, 2023

O'CONNELL & ARONOWITZ P.C.

By: Kevin Laurilliard

Kevin Laurilliard, Esq.

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